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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,698	08/07/2001	Joanes DePaula Bomfim	1330.1106	8774

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EXAMINER	
IQBAL, NADEEM	
ART UNIT	**PAPER NUMBER**
2114	

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/922,698	BOMFIM ET AL.	
	Examiner	Art Unit	
	Nadeem Iqbal	2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 August 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *9,18 and 19* is/are allowed.

6)☒ Claim(s) *1-5,8,10-14,17 and 20-23* is/are rejected.

7)☐ Claim(s) *6,7,15,16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *08072001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fraenkel et al., (U.S. Patent Number 6738933).

4. As per claim 1, Fraenkel et al., teaches (col. 3, lines 8-10) a method and system of monitoring a transactional server on a continuous basis. He also teaches a controller (col. 3, lines 20-23) that includes functions for user to record and edit transactions, and to define alert conditions. He also teaches (col. 3, lines 26-28) a computer that executes and generates performance data that includes the server response time and pass/fail status of each transaction execution event. He thus teaches limitations pertain to a gap detector receiving server information indicating transactions. He does not explicitly disclose that the gaps indicate which

of the transmitted transactions were not processed by the server. He teaches as stated above generating performance data that includes the server response time and pass/fail status of each transaction execution event. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to realize that He teaches gaps that indicates the transmitted transactions that were not processed by the server, since he teaches to generate performance data that includes the server response time and pass/fail status of each transaction execution event, therefore the server response time and pass/fail status of each transaction would clearly indicate the gaps indicating the transmitted transactions that were not processed by the server.

5. Claims 2-5, & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraenkel et al., (U.S. Patent Number 6738933) as applied to claim 1 above, and further in view of Falls et al., (U.S. Patent Number 5991771).

6. As per claim 2, He teaches as stated above generating performance data that includes the server response time and pass/fail status of each transaction execution event. He thus teaches gap detection indicating a transmitted transaction not processed by the server. He also teaches (col. 3, lines 34-35) that the performance data is available in real-time for viewing and generation of alert notifications. He thus teaches limitations pertain to client is notified that the transmitted transaction was not processed. He does not explicitly disclose that the client is notified that the transmitted transaction was not processed and then the client retransmits the transaction. Falls et al., teaches (col. 5, lines 29-31) a mobile computer transfers an update based on the transaction over the network connection to the network computer. It would have been obvious to a person of ordinary skill in the art to include the transfer update based on the transaction over the network to transmit transaction not processed. This is because both inventions are in the same

environment of fault detection with transactions and the stated inclusion provides a desirable advantage of providing retransmission of transactions.

7. As per claim 3, He also teaches (col. 3, lines 34-35) that the performance data is available in real-time for viewing and generation of alert notifications. He thus would include a first file and a second file to store client and server information respectively.

8. As per claim 4, He teaches as stated above generating performance data that includes the server response time and pass/fail status of each transaction execution event, therefore Fraenkel et al., would also include a third file for storing information indicating that a gap has been detected.

9. As per claim 5, He also teaches (col. 3, lines 34-35) that the performance data is available in real-time for viewing and generation of alert notifications. He thus would include a first file and a second file to store client and server information respectively as it pertains to gap detection and the transaction not processed.

Allowable Subject Matter

10. Claims 9, 18, 19 are allowed.

11. Claims 6, 7, 15 & 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. As per claim 8, Fraenkel et al., teaches as stated above generating performance data that includes the server response time and pass/fail status of each transaction execution event, therefore Fraenkel et al., would also include a log for storing information indicating that transmitted transactions.

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fraenkel et al., (U.S. Patent Number 6738933).

14. As per claim 10, Fraenkel et al., substantially teaches the claimed invention as disclosed related to claim 1 above. He also teaches a controller (col. 3, lines 20-23) that includes functions for user to record and edit transactions, and to define alert conditions. He also teaches (col. 3, lines 26-28) a computer that executes and generates performance data that includes the server response time and pass/fail status of each transaction execution event. He thus teaches limitations pertain to a gap detector receiving server information indicating transactions. He does not explicitly disclose that the gaps indicate which of the transmitted transactions were not processed by the server. He teaches as stated above generating performance data that includes the server response time and pass/fail status of each transaction execution event. It would have been obvious to a person of ordinary skill in the art to realize that He teaches gaps that indicates the transmitted transactions that were not processed by the server, since he teaches to generate performance data that includes the server response time and pass/fail status of each transaction execution event, therefore the server response time and pass/fail status of each transaction would clearly indicate the gaps indicating the transmitted transactions that were not processed by the server.

15. Claims 11-14, & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraenkel et al., (U.S. Patent Number 6738933) as applied to claim 1 above, and further in view of Falls et al., (U.S. Patent Number 5991771).

16. As per claim 11, He teaches as stated above generating performance data that includes the server response time and pass/fail status of each transaction execution event. He thus teaches

gap detection indicating a transmitted transaction not processed by the server. He also teaches (col. 3, lines 34-35) that the performance data is available in real-time for viewing and generation of alert notifications. He thus teaches limitations pertain to client is notified that the transmitted transaction was not processed. He does not explicitly disclose that the client is notified that the transmitted transaction was not processed and then the client retransmits the transaction. Falls et al., teaches (col. 5, lines 29-31) a mobile computer transfers an update based on the transaction over the network connection to the network computer. It would have been obvious to a person of ordinary skill in the art to include the transfer update based on the transaction over the network to transmit transaction not processed. This is because both inventions are in the same environment of fault detection with transactions and the stated inclusion provides a desirable advantage of providing retransmission of transactions.

17. As per claim 12, He also teaches (col. 3, lines 34-35) that the performance data is available in real-time for viewing and generation of alert notifications. He thus would include a server files to store client and server information respectively.

18. As per claim 13, He teaches as stated above generating performance data that includes the server response time and pass/fail status of each transaction execution event, therefore Fraenkel et al., would also include a third file for storing information indicating that a gap has been detected.

19. As per claim 14, He also teaches (col. 3, lines 34-35) that the performance data is available in real-time for viewing and generation of alert notifications. He thus would include a gap detector to store client and server information respectively as it pertains to gap detection and the transaction not processed.

Allowable Subject Matter

20. Claim 9 is allowed.

21. Claims 6 & 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

22. As per claim 17, Fraenkel et al., teaches as stated above generating performance data that includes the server response time and pass/fail status of each transaction execution event, therefore Fraenkel et al., would also include a log for storing information indicating that transmitted transactions.

23. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraenkel et al., (U.S. Patent Number 6738933) as applied to claim 1 above, and further in view of Falls et al., (U.S. Patent Number 5991771).

24. As per claims 20-22, He teaches as stated above generating performance data that includes the server response time and pass/fail status of each transaction execution event. He thus teaches gap detection indicating a transmitted transaction not processed by the server. He also teaches (col. 3, lines 34-35) that the performance data is available in real-time for viewing and generation of alert notifications. He thus teaches limitations pertain to client is notified that the transmitted transaction was not processed. He does not explicitly discloses that the client is notified that the transmitted transaction was not processed and then the client retransmits the transaction and that detector receives sequence number of transactions. Falls et al., teaches (col. 5, lines 29-31) a mobile computer transfers an update based on the transaction over the network connection to the network computer. He also teaches (col. 5, lines 45-48) that each completed

transaction has a corresponding transaction sequence number. It would have been obvious to a person of ordinary skill in the art to include the transfer update based on the transaction over the network to transmit transaction not processed and also include transactions with sequence numbers. This is because both inventions are in the same environment of fault detection with transactions and the stated inclusion provides a desirable advantage of providing retransmission of transactions and each transaction with its corresponding sequence number.

25. As per claim 23, He substantially teaches the claimed invention as discloses relative to claim 20 above. He also teaches as stated above generating performance data that includes the server response time and pass/fail status of each transaction execution event. He thus teaches gap detection indicating a transmitted transaction not processed by the server. He also teaches (col. 3, lines 34-35) that the performance data is available in real-time for viewing and generation of alert notifications. He thus teaches limitations pertain to client is notified that the transmitted transaction was not processed. He does not explicitly discloses that the client is notified that the transmitted transaction was not processed and then the client retransmits the transaction and that detector receives sequence number of transactions. Falls et al., teaches (col. 5, lines 29-31) a mobile computer transfers an update based on the transaction over the network connection to the network computer. He also teaches (col. 5, lines 45-48) that each completed transaction has a corresponding transaction sequence number. It would have been obvious to a person of ordinary skill in the art to include the transfer update based on the transaction over the network to transmit transaction not processed and also include transactions with sequence numbers. This is because both inventions are in the same environment of fault detection with transactions and the stated

inclusion provides a desirable advantage of providing retransmission of transactions and each transaction with its corresponding sequence number.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadeem Iqbal whose telephone number is (703)-308-5228. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703)-305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nadeem Iqbal
Primary Examiner
Art Unit 2114

NI